



**RICHARD J. CODEY**  
Acting Governor

## **New Jersey Office of the Attorney General**

Division of Consumer Affairs  
New Jersey State Board of Physical Therapy Examiners  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



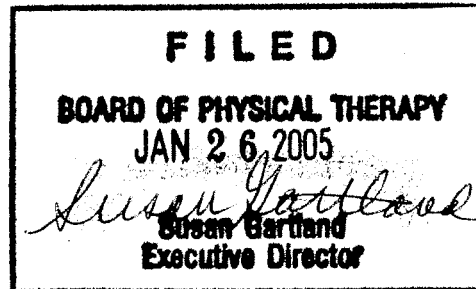
**PETER C. HARVEY**  
Attorney General

**RENI ERDOS**  
Director

**Mailing Address:**  
P.O. Box 45014  
Newark, NJ 07101  
(973) 504-6455

By Certified and Regular Mail

Russell DitchField-Agboh, P.T.  
131 East Central Avenue  
Maywood, New Jersey 07607



Re: Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Mr. DitchField-Agboh:

This letter is to advise you that the New Jersey State Board of Physical Therapy Examiners (the "Board") has had an opportunity to review information concerning your reinstatement of license to practice physical therapy in the state of New Jersey that was received on or about October 21, 2004. Specifically, the information reviewed included our reinstatement application that indicated that the last renewal was due January 31, 2004 or within thirty (30) days of that date. You acknowledge by affidavit dated October 20, 2004 that you "accidentally missed the renewal of your license in February of 2004... and that you were self employed and engaged in the practice of Structural Integration" which is within the scope of practice of physical therapy. Therefore you continued to work as a physical therapist during the period that your license was suspended pursuant to N.J.S.A. 45: 1-7.1(b).

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.S.A. 45:1-7.1(b) and (c) in that you failed to renew your license within thirty days of the January 31, 2004 renewal period and you continued to practice with a suspended license after February 29, 2004 which is deemed to constitute the unlicensed practice of physical therapy.

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. Cease and desist from any practice of physical therapy in the future without a current valid license.
2. Pay a penalty in the amount of \$1000.00 for continuing to practice physical therapy while your license was suspended. As a self employed individual, the Board finds that you had a responsibility to renew your license on a timely basis or to cease practicing physical therapy. (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter by sending a certified check or money order payable to the Board of Physical Therapy Examiners, P.O. Box 45012, Newark, New Jersey 07101.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General, Carmen A. Rodriguez who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD OF  
PHYSICAL THERAPY EXAMINERS

By: Susan Gartland  
Susan Gartland  
Executive Director

ACKNOWLEDGMENT: I, Russell K. Ditchfield-Agboh, P.T., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$1000.00 (to be paid upon signing of this acknowledgment).

Russell K. Ditchfield-Agboh  
Russell K. Ditchfield-Agboh, P.T.

Dated: 1/24/05

cc: Carmen A. Rodriguez, Deputy Attorney General